



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Martin D. Ericsson et al.

Application No.: 10/811,814

Filing Date: March 30, 2004

Title: ON-DEMAND POWER-OPENING
DOOR CAPABLE OF BEING
MANUALLY OPENED

) MAIL STOP / AFTER FINAL

) Group Art Unit: 3634

) Examiner: GREGORY J STRIMBU

) Confirmation No.: 2852

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☒ A Petition for Extension of Time is enclosed.
- ☐ _____ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☒ Also enclosed is/are: NOTICE OF APPEAL
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 395 ☐ \$ 790 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____ on _____ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	3	20	0	x \$ 50 (1202)	\$ 0
Independent Claims	1	3	0	x \$ 200 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 360 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date July 19, 2007

By:


Alan E. Kopecki
Registration No. 25813

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620



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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action dated June 28, 2007, reconsideration of the claims is respectfully requested for the following reason.

Claim 11 recites a feature not present in either of the prior art items combined to reject claim 11. That is, claim 11 recites in the final paragraph thereof that the linkage is returnable from the second position (passage-opening position) to the first position (passage-closing position) independently of the door. That feature is not present in either the admitted prior art or Speer.

That is, in the admitted prior art, the door-opening linkage and the door are interconnected, so independent movement is not possible.

In Speer, the linkage, i.e., the door-opening linkage constituted by the motor 32, cannot be moved (retracted) to the first position (passage-closing position of Fig. 2) independently of the door, because the linkage 32 relies upon a force of the door closer 36 in order to be retracted. Note that Speer's motor 32 is a single-acting motor (column 2, line 40), so it can only push the door open to the Fig. 4 position. In order

to be retracted to its first (passage-closing) position, the linkage 32 must be pushed by the door closer 36.

With this arrangement the opening mechanism in accordance with the invention is utilized in combination with a conventional door closer such that the opener opens the doors [sic] and, upon releasing the door for closing, the closer operates to close the door in a conventional fashion. (Speer, sentence bridging columns 2 and 3)

Since Speer's linkage 32 requires force from the door closer 36 in order to be moved to the passage-closing position, and since the door closer applies such force to the door, which transmits such force to the arm 24, which transmits the force to the linkage 32, will be understood that it is not possible for the linkage 32 to be moved from the passage-opening position to the passage-closing position independently of the door as recited in the final paragraph of claim 11.

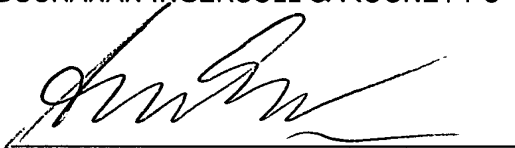
Accordingly, it is requested that the rejection of claim 11 based upon the admitted prior art in view of Speer be withdrawn and the application allowed.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 19, 2007

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